

Exhibit 37

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through
MARIELLE SHAVONNE SMITH and CHARIS HUMPHREY
on behalf of its members, SHAKETA REDDEN,
DORETHEA FRANKLIN, TANIQUA SIMMONS, DE'JON HALL,
JOSEPH BONDS, CHARLES PALMER, SHIRLEY SARMIENTO,
EBONY YELDON, and JANE DOE,
individually and on behalf of a class of all
others similarly situated,

Plaintiffs,

-vs-

CITY OF BUFFALO, N.Y., BYRON B. BROWN,
Mayor of the City of Buffalo, in his individual and
official capacities,
BYRON C. LOCKWOOD, Commissioner of the
Buffalo Police Department, in his individual
and official capacities,
DANIEL DERENDA, former Commissioner of the
Buffalo Police Department, in his individual capacity,
AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI,
ROBBIN THOMAS,
UNKNOWN SUPERVISORY PERSONNEL 1-10,
UNKNOWN OFFICERS 1-20, each officers of the
Buffalo Police Department,
in their individual capacities,

Defendants.

Examination Before Trial of
JASMINE EVANS, taken pursuant to the Federal Rules of Civil
Procedure, in the law offices of HODGSON RUSS LLP, The
Guaranty Building, 140 Pearl Street, Suite 100, Buffalo, New
York, taken on December 15, 2022, commencing at 1:58 P.M.,
before NICHOLE WINANS, Notary Public.

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1 APPEARANCES:

2 WESTERN NEW YORK LAW CENTER,
3 By KEISHA A. WILLIAMS, ESQ.,
4 Cathedral Park Tower,
5 37 Franklin Street,
6 Suite 210,
7 Buffalo, New York 14202,
8 Appearing for the Plaintiffs.

6 NATIONAL CENTER FOR LAW AND ECONOMIC JUSTICE,
7 By KARINA K. TEFFT, ESQ.,
8 50 Broadway,
9 Suite 1500,
10 New York, New York 10004,
11 Appearing for the Plaintiffs.

9 HODGSON RUSS LLP,
10 By PETER A. SAHASRABUDHE, ESQ.,
11 The Guaranty Building,
12 140 Pearl Street,
13 Suite 100,
14 Buffalo, New York 14202-4040,
15 Appearing for the Defendants.

14
15 (The following stipulations were entered
16 into by all parties.)

17 It is hereby stipulated by and between counsel
18 for the respective parties that the oath of the
19 Referee is waived, that signing, filing and
20 certification of the transcript are waived, and
21 that all objections, except as to the form of the
22 questions, are reserved until the time of trial.
23

1 J A S M I N E E V A N S,
2 120 Grote Street, Buffalo, New York 14207,
3 after being duly called and sworn,
4 testified as follows:
5

6 EXAMINATION BY MR. SAHASRABUDHE:
7

8 Q. Good afternoon, Miss Evans. My name is Peter
9 Sahasrabudhe, I'm an attorney here at Hodgson
10 Russ. I represent the City of Buffalo and a
11 handful of individual Defendants in a lawsuit
12 that you and a couple other Plaintiffs have
13 brought. Have you ever given deposition
14 testimony of any kind before?

15 A. No.

16 Q. Have you ever given sworn testimony of any kind?

17 A. Unless like -- no. I don't think so.

18 Q. Never been to a courtroom and given testimony in
19 a courtroom?

20 A. Only for traffic tickets, but nothing other than
21 that.

22 Q. Okay. All right. So there's going to be a
23 couple ground rules that apply to your testimony

1 today that I'm going to go over with you just so
2 we're all on the same page. Okay?

3 A. Okay.

4 Q. So the first thing that I want to ask you to do
5 is to the best of your ability, can you let me
6 finish my question before you give an answer? A
7 lot of times you know what I'm going to ask, and
8 that's totally normal in colloquial everyday
9 conversation, but what's important for purposes
10 of today is that what you say and what I say gets
11 accurately transcribed, and sometimes that
12 doesn't happen if I don't let you finish your
13 answer or if you don't let me finish my question,
14 so to the best of your ability, will you wait to
15 let me finish my question before you give an
16 answer?

17 A. Sure.

18 Q. Okay. And of course, I'll try my best to do the
19 same for you. We need a full verbal response to
20 every single question so that your testimony is
21 accurately transcribed. So a lot of times you
22 might be tempted to give an uh-uh or an uh-uh or
23 um-hum or shake your head or nod your head, but

1 that doesn't really get transcribed, your answer
2 won't be transcribed really well, so to the best
3 of your ability, can you try to give me a full
4 verbal response to every question that I ask you?

5 A. Sure.

6 Q. Okay. If you don't understand a question that I
7 ask, that's totally fine. I don't want you to
8 speculate as to what I'm trying to ask you. If
9 you don't understand it, just ask me to rephrase.
10 Can you promise me that if you don't understand
11 my question, you'll ask me to rephrase my
12 question or tell me you don't understand?

13 A. I will do that.

14 Q. Okay. And conversely, if you do answer my
15 question without asking me to rephrase or telling
16 met that you don't understand, I'm going to take
17 that to mean you understood my question, is that
18 fair?

19 A. Fair.

20 Q. Okay. You're under oath, you understand what
21 that means, correct?

22 A. Yes.

23 Q. Any reason I should know about that would affect

1 your ability to give truthful and accurate
2 testimony today?

3 A. No.

4 Q. You're not under the influence of any
5 medications, drugs, alcohol, anything like that?

6 A. No.

7 Q. All right. If you need to take a break at any
8 time, that's totally cool. However, if there's a
9 question pending, you have to answer the question
10 before you go to break. Do you understand that?

11 A. I understand.

12 Q. Your lawyer is going to object from time to time
13 or may object from time to time, but this isn't
14 like a courtroom proceeding where a Judge would
15 rule on the objection, she's just going to
16 preserve her objections for later on, so if an
17 objection is stated, you still have to answer the
18 question. Do you understand that?

19 A. Yes.

20 Q. The only time you don't answer a question is if
21 your lawyer specifically directs you not to
22 answer. Do you understand?

23 A. I understand.

1 Q. Okay. I don't want you to guess or speculate
2 today, but there are going to be times when I ask
3 you to estimate. Do you understand the
4 difference between speculation and guessing and
5 an estimate?

6 A. Yes.

7 Q. Could you tell me what your understanding between
8 a guess and an estimate is?

9 A. A guess is when you are not really sure, so you
10 just want to find something to put in a place,
11 and an estimate is you don't know exactly a
12 number or amount of times or something, so you
13 can say oh, less than ten or -- instead of just
14 throwing out any kind of number.

15 Q. Okay. Perfect. I think that's a good way of
16 describing that distinction. What did you do to
17 prepare for today, Miss Evans?

18 A. Met with my lawyers.

19 Q. How many times?

20 A. Once.

21 Q. When was that meeting?

22 A. Last week.

23 Q. If you don't know the exact day, that's okay.

1 A. I don't know. I came from work and I came
2 straight to them, so --

3 Q. About how long was the meeting?

4 A. About three hours.

5 Q. What, if any, documents did you review during the
6 meeting?

7 A. Quite a few. Not sure exactly how many.

8 Q. Do you recall specifically any documents that you
9 did review?

10 A. My -- I reviewed my Complaint, my specific
11 Complaint, I know that for sure.

12 Q. What else?

13 A. Not too sure. Other stuff that didn't pertain
14 specifically to me.

15 Q. Other than the Complaint, did you review any
16 documents that did pertain specifically to you?

17 A. Yes.

18 Q. What did you review?

19 A. I reviewed a transcript from a court proceeding,
20 I reviewed some tickets that I received. I
21 reviewed fees and fines that I received. I
22 reviewed -- that I know offhand.

23 Q. Okay. Nothing else you can think of right now

1 that you reviewed --

2 A. Not specifically.

3 Q. -- that pertains specifically to you?

4 A. Not specifically, no.

5 Q. Okay. Other than your attorneys, did you speak
6 with anyone about your testimony today?

7 A. No.

8 Q. Have you spoken with anyone besides your
9 attorneys about this lawsuit generally?

10 A. No.

11 Q. Have you spoken with any other Plaintiff in this
12 lawsuit without your attorneys present?

13 A. No.

14 Q. Do you know any of the other Plaintiffs in this
15 lawsuit?

16 A. Just one.

17 Q. Who do you know?

18 A. I know Taniqua Simmons.

19 Q. How do you know Taniqua Simmons?

20 A. From the community. But I don't know her
21 personally.

22 Q. So you've never met her before?

23 A. I have met her, but it's not a relationship, but

1 she is well known in the community.

2 Q. How is she well known in the community?

3 A. She's a community activist.

4 Q. To your knowledge, is Taniqua Simmons involved in
5 any specific organizations that do activism?

6 MS. TEFFT: Object to form.

7 THE WITNESS: I don't know.

8 BY MR. SAHASRABUDHE:

9 Q. Where have you met Taniqua Simmons?

10 A. On more than one occasion.

11 Q. In what locations or settings have you met her?

12 MS. TEFFT: Object to form.

13 THE WITNESS: I still have to answer?

14 MS. TEFFT: You can answer. Yes.

15 THE WITNESS: I met her -- where did I meet her. I
16 met her a few years ago at a meeting that we had
17 with the attorney general's office.

18 BY MR. SAHASRABUDHE:

19 Q. Do you recall where that meeting was?

20 A. At the Western New York Law Center.

21 Q. Do you recall what that meeting was about?

22 A. It was before this lawsuit was filed.

23 Q. Do you recall what was discussed at the meeting?

1 A. Yes.

2 Q. What was discussed at the meeting?

3 A. Discriminatory practices from the Buffalo Police
4 Department and the mayor. We brought it forth to
5 the attorney general's staff.

6 Q. How many years ago was this meeting again?

7 A. I don't know exactly.

8 Q. Was it before the pandemic?

9 A. Yes.

10 Q. Was it more than a year before the pandemic?

11 A. I'm not sure.

12 Q. Do you recall who from the attorney general's
13 office you spoke to?

14 A. No. It was a group of people.

15 Q. Did you speak at the meeting?

16 A. Yes.

17 Q. Do you know if Taniqua Simmons spoke at the
18 meeting?

19 MS. TEFFT: Object to form.

20 THE WITNESS: I don't remember.

21 BY MR. SAHASRABUDHE:

22 Q. Did you talk to Taniqua Simmons at the meeting?

23 A. Not personally.

1 Q. You've never spoken to Taniqua Simmons about this
2 lawsuit?

3 A. No.

4 Q. You've just seen her name on some of the papers,
5 is that how you know she's involved with this
6 lawsuit?

7 A. Yes.

8 Q. Other than Taniqua Simmons, do you know any other
9 Plaintiffs?

10 A. No.

11 Q. Are you aware of the organization Black Love
12 Resists In The Rust?

13 A. Yes.

14 Q. What is Black Love Resists In The Rust?

15 A. I don't know exactly what they do specifically,
16 but I know that I have been to a meeting or two
17 with them.

18 Q. Where were those meetings?

19 A. At their location on West Ferry Street.

20 Q. Do you recall how long ago those meetings were?

21 A. A few years ago.

22 Q. Were they before the pandemic?

23 A. Yes.

1 Q. Did those meetings occur before this lawsuit was
2 filed?

3 A. I'm not sure. Around the time of discussion and
4 everybody coming together with complaints and
5 information, sharing with each other.

6 Q. Was Taniqua Simmons present at that meeting?

7 MS. TEFFT: Object to form.

8 THE WITNESS: I can say one for sure, but not so much
9 as more than that.

10 BY MR. SAHASRABUDHE:

11 Q. So one of --

12 A. That I specifically remember.

13 Q. Okay. You remember her being at one of the
14 meetings --

15 A. Yes.

16 Q. -- held by Black Love Resists In The Rust?

17 A. Yes.

18 Q. About how many people attended that meeting?

19 A. I'm not sure exactly. I want to say maybe twenty
20 or less.

21 Q. How did you find out about that meeting?

22 A. From Brittany.

23 Q. Who's Brittany?

1 A. Brittany was our lawyer earlier on in the case
2 where it got started, who no longer represents
3 the organization that represents this case.

4 Q. Okay. So was Brittany a lawyer for the
5 Plaintiffs in this case at one point?

6 A. Yes.

7 Q. Okay. I don't want to know about anything she
8 told you or anything you talked about or
9 discussed because that would be privileged, but
10 you learned about the meeting from a lawyer?

11 A. Yes.

12 Q. Okay. Were the meetings close in time to one
13 another?

14 A. I would say yes.

15 Q. About how much time elapsed between one meeting
16 and the second?

17 A. I do not remember.

18 Q. Have you ever been a member of Black Love Resists
19 In The Rust?

20 A. No.

21 Q. Do you know who any of the members are?

22 A. I know one person's name, Felicia.

23 Q. Do you know Felicia's last name?

1 A. No.

2 Q. Have you ever spoken to Felicia about this
3 lawsuit?

4 A. No.

5 Q. Do you know any other members of Black Love
6 Resists In The Rust?

7 A. No.

8 Q. Prior to going to those meetings, did you know
9 what Black Love Resists In The Rust was?

10 A. No.

11 Q. You only learned what the organization was as a
12 result of the meeting?

13 A. Yes.

14 Q. Were there any attorney general members present
15 at any meeting -- at either meeting with Black
16 Love Resists In The Rust?

17 A. Only the meeting at Western New York Law Center.

18 Q. Okay. But that wasn't a meeting held by Black
19 Love Resists In The Rust, was it?

20 A. No.

21 Q. Okay. And so there were no attorney general
22 members present --

23 A. No.

1 Q. -- at the two meetings held by Black Love Resists
2 In The Rust?

3 A. No.

4 Q. Were there any City of Buffalo representatives
5 present?

6 A. No.

7 Q. No law enforcement representatives present at
8 all?

9 A. No.

10 Q. Okay. Have you ever been asked to be a member of
11 Black Love Resists In The Rust?

12 A. No.

13 Q. What is your date of birth, Miss Evans?

14 A. [REDACTED]

15 Q. Other than Jasmine Evans, have you ever gone by
16 any other names?

17 A. No.

18 Q. Are you currently married?

19 A. No.

20 Q. Do you currently have a significant other or
21 partner that you live with?

22 A. We don't live together.

23 Q. Do you have a significant other, a partner who

1 you're in a relationship with?

2 A. Yes.

3 Q. What is their name?

4 A. Anthony Green.

5 Q. Where does Anthony Green live?

6 A. 53 Earl Place.

7 Q. Is that here in the City of Buffalo?

8 A. 14211. It is.

9 Q. Have you ever been married?

10 A. No.

11 Q. Do you have any children?

12 A. Four.

13 Q. Do you have any children with Anthony Green?

14 A. Four.

15 Q. How old are your children?

16 A. Two, six, eleven, and twelve.

17 Q. Your child who is twelve, is that a boy or a
18 girl?

19 A. A girl.

20 Q. And what's her name?

21 A. [REDACTED]

22 Q. Is her last name Green?

23 A. It is.

1 Q. Does [REDACTED] Green live with you?

2 A. Yes.

3 Q. Where do you currently live?

4 A. At 120 Grote Street.

5 Q. Grove Street?

6 A. Grote, G-R-O-T-E, 14207.

7 Q. What cross street is that closest to?

8 A. Bush.

9 Q. Grote and Bush. Is your daughter [REDACTED] in
10 school?

11 A. Yes.

12 Q. Where does she attend school?

13 A. Tapestry Charter School.

14 Q. That's a client of our law firm. Your child who
15 is eleven, how old is she --

16 A. It's a he.

17 Q. Or is it a boy or a girl? I apologize, I skipped
18 a step.

19 A. He.

20 Q. It's a he. So what is your eleven-year-old son's
21 name?

22 A. [REDACTED] Green.

23 Q. And does he live with you?

1 A. Yes.

2 Q. Where does he attend school?

3 A. REACH Academy Charter School.

4 Q. Your child who is six, is that a boy or a girl?

5 A. A boy.

6 Q. What's his name?

7 A. [REDACTED] Green.

8 Q. What grade is your daughter [REDACTED] in?

9 A. Seven.

10 Q. What grade is [REDACTED] in?

11 A. Fifth.

12 Q. Where does [REDACTED] attend school?

13 A. REACH Academy Charter School.

14 Q. And what grade is he in?

15 A. Second.

16 Q. And your child that is two, is it a boy or a
17 girl?

18 A. A girl.

19 Q. Is she currently in day care?

20 A. She is.

21 Q. What's her name?

22 A. [REDACTED] Green.

23 Q. Any other children besides the four we've talked

1 about?

2 A. No.

3 Q. Anthony Green, what does he do for a living?

4 A. Drive trucks, he delivers construction materials.

5 Q. Any other children who aren't biologically
6 related to you that you support?

7 A. No.

8 Q. Your Grote Street address, how long have you
9 lived there?

10 A. For ten days -- well, nine days.

11 Q. Oh, wow. Recent move. Okay. Do you own or
12 rent?

13 A. Rent.

14 Q. How much is your monthly rent?

15 A. One thousand three hundred dollars a month.

16 Q. Do you pay that by yourself?

17 A. Yes.

18 Q. Where did you live before your Grote Street
19 address?

20 A. 217 West Tupper Street.

21 Q. How long did you live on West Tupper?

22 A. For sixty days.

23 Q. By the way, your Grote Street address, is that an

1 apartment or is it --

2 A. It's an apartment, lower.

3 Q. Okay. So it's multiple units?

4 A. Up and down.

5 Q. Okay. So there's --

6 A. And I live down.

7 Q. The bottom story is one unit and the second story
8 is another unit?

9 A. Yes.

10 Q. 217 West Tupper Street, what kind of a residence
11 was that?

12 A. The same, I lived up though.

13 Q. Okay. How much did you pay for rent?

14 A. Twelve fifty.

15 Q. Why did you move?

16 A. Because the neighbor, conflict with the neighbor
17 downstairs every day.

18 Q. You were fighting with the neighbor?

19 A. Basically.

20 Q. Disagreements?

21 A. Yes.

22 Q. What were they over?

23 A. She had a different problem every day.

1 Q. A problem with you?

2 A. I guess. Noise, when I first moved there, the
3 first day I moved there she called the cops on
4 me. And she would just harass us almost every
5 day.

6 Q. What was her name?

7 A. I think her name is Mama.

8 Q. Mama, M-A-M-A?

9 A. Um-hum.

10 Q. Do you know her last name?

11 A. It starts with a K, but no. Kevin, Kevon or
12 something like that. I don't really know
13 exactly.

14 Q. Did you decide to leave or were you asked to
15 leave?

16 A. Decided to leave.

17 Q. Did you have to cut a lease short?

18 A. No. They transferred me to another property.

19 Q. Who is they?

20 A. The landlord.

21 Q. Who is the landlord?

22 A. Free Will Rentals.

23 Q. Do you know where Free Will Rentals' headquarters

1 is?

2 A. 1625 Niagara Street, if it's not 1625, it's
3 something similar.

4 Q. How long have you rented from properties owned by
5 Free Will Rentals?

6 A. Since I think I moved there in October, so since
7 October.

8 Q. So the first time you rented from Free Will
9 Rentals was when you moved into 217 West Tupper
10 Street?

11 A. Yes.

12 Q. Where did you live before West Tupper Street?

13 A. 78 Arnold Street.

14 Q. Arnold?

15 A. (Indicating yes.)

16 Q. How long did you live there?

17 A. For three years.

18 Q. Did you live there with your three children?

19 A. And then turned four, yes. And Anthony.

20 Q. Anthony lived at the Arnold Street address with
21 you?

22 A. Yes.

23 Q. Did Anthony live at the West Tupper Street

1 address with you?

2 A. Yes.

3 Q. And now Anthony has since found another place to
4 live?

5 A. Well, yes. His father's place.

6 Q. Why is that?

7 A. It's what works best for the both of us.

8 Q. Okay. Did Anthony feud with your downstairs
9 neighbor?

10 A. Yes.

11 Q. What cross section was your 78 Arnold Street
12 address closest to, cross street, I apologize?

13 A. It's just like two blocks, so it was between Hoyt
14 and Parkdale.

15 Q. Okay.

16 A. I mean, Arnold is only a two-block street.

17 Q. Right. I used to live Lafayette and Baynes, so I
18 used to live pretty close to there. Fair to say,
19 that's on the West Side of Buffalo?

20 A. Yes.

21 Q. What was your rent at Arnold Street?

22 A. Nine hundred dollars.

23 Q. Did you and Anthony contribute to that jointly?

1 A. Yes.

2 Q. Did it ever change?

3 A. Sometimes I did it by myself.

4 Q. I meant did the amount of rent ever change.

5 A. No.

6 Q. It remained nine hundred the full three years?

7 A. It did.

8 Q. Before Arnold Street, where did you live?

9 A. I lived on Brunswick Street. I can't remember
10 the address. I think it was 186.

11 Q. What cross street was it closest to?

12 A. Wohlers.

13 Q. What area of Buffalo is Brunswick in?

14 A. East Side.

15 Q. How long did you live there?

16 A. For like thirty days.

17 Q. All right. Why did you move?

18 A. I found Arnold Street, and it was a better place.

19 Q. What made it a better place?

20 A. Because there wasn't somebody living in the
21 basement.

22 Q. Oh, I should have asked this. Did you live, was
23 it just you and your family at the Arnold Street

1 address?

2 A. Arnold Street or Brunswick? Arnold Street?

3 Q. Arnold Street.

4 A. I lived upstairs, so I had neighbors downstairs.

5 Q. Okay. I don't know if I asked. Why did you move
6 from Arnold Street to Tupper Street?

7 A. Didn't extend my lease.

8 Q. Why didn't they extend your lease?

9 A. Because there was a big problem with Section 8
10 inspection, and rent payments due to COVID.

11 Q. What is a Section 8 inspection?

12 A. Is when you qualify for rental assistance and
13 they inspect the place and it has to be up to a
14 certain living standard in order for them to
15 approve to pay part of your rent.

16 Q. Was it found that your living space was not up to
17 the required standard?

18 A. Yes.

19 Q. Do you recall why?

20 A. It was twenty-eight violations. I don't know
21 specifically.

22 Q. Do you recall what any of the violations were?

23 A. Not specifically offhand.

1 Q. Did you challenge any of the findings of
2 violations?

3 A. No. I'm not the owner. That goes to the owner.

4 Q. Okay. So you were -- did the owner evict you
5 because violations were found?

6 A. I didn't get evicted. I left.

7 Q. Okay. You left on your own accord?

8 A. Yes.

9 Q. After the violations were found?

10 A. Yes.

11 Q. You also mentioned you were behind in rent at
12 Arnold Street?

13 A. Yes.

14 Q. Do you recall exactly how much you owed in rent?

15 A. No.

16 Q. Do you recall how many months behind you were?

17 A. Two.

18 Q. Do you recall who your landlord was there?

19 A. Sheila Hint.

20 Q. Say that again.

21 A. Sheila Hint.

22 Q. Sheila Hint. All right. Going back to your
23 Brunswick Street address, you lived there for

1 thirty days?

2 A. Right.

3 Q. And you said you moved from there to Arnold
4 Street because it was a better deal on rent?

5 A. Not really, but it was only a fifty dollar
6 difference, but it was somebody living in the
7 basement.

8 Q. Someone was living in the basement of the
9 Brunkswick Street address?

10 A. Yes.

11 Q. Okay. And you didn't --

12 A. No. I didn't know that. I'm sorry. You can
13 finish.

14 Q. Yes. What about having a person living in the
15 basement made you want to move?

16 A. I have children and that is weird.

17 Q. Okay. Why is it different than having someone
18 live in a different unit of the house?

19 A. Because a basement is a basement, and I didn't
20 know anything about that. I went in the basement
21 for the gas company, because it was padlocked,
22 and I used to hear people back and forth in the
23 driveway, but nobody lived downstairs. So one

1 day I went in the basement and it was a whole
2 setup down there and it just looked weird.

3 Q. Okay. So someone was living in the basement who
4 actually didn't rent?

5 A. I don't know their agreement with the landlord,
6 but that's not a house, it's the basement.

7 Q. Okay. You don't know if they were allowed to be
8 there?

9 A. I don't know.

10 Q. All right. And that made you uncomfortable?

11 A. Yes.

12 Q. Where did you live before Brunswick Street?

13 A. Across the street, at 175 Brunswick Boulevard.

14 Q. How long did you live there?

15 A. I moved there in February of 2017, a year or
16 more. I moved there in 2017, in February.

17 Q. And you lived there for approximately a year?

18 A. A little more, yeah.

19 Q. Okay. Who did you live there with?

20 A. Me and my kids. Three kids at the time.

21 Q. Did [REDACTED] live with you?

22 A. No.

23 Q. Where did [REDACTED] live at the time?

1 A. I don't know.

2 Q. Was he in Buffalo?

3 A. Yes.

4 Q. Do you know generally where he lived and you just
5 can't remember the address or you just don't know
6 where he lived?

7 A. I just don't know.

8 Q. Okay. How much was your rent at 175 Brunswick?

9 A. Seven hundred.

10 Q. Why did you move across the street?

11 A. Because the landlord sold the house and they
12 wanted to move in.

13 Q. The person who bought the house wanted to move in
14 it?

15 A. Yes.

16 Q. Who was the landlord?

17 A. I think his name was Kenneth Young.

18 Q. So before 175 Brunswick, where did you live?

19 A. 686 Northampton Street.

20 Q. What cross street is that closest to?

21 A. North Parade.

22 Q. Is that in the City of Buffalo?

23 A. Yes.

1 Q. What area of the City of Buffalo is that in?

2 A. On the East Side.

3 Q. How long did you live there?

4 A. Seven months.

5 Q. What was the reason you left?

6 A. Because I found Brunswick, it was bigger, it was
7 only a two bedroom rear apartment, so Brunswick
8 was way more suitable.

9 Q. Who did you live at Northampton with?

10 A. Me and my kids.

11 Q. Did [REDACTED] live with you there?

12 A. No.

13 Q. How much did you pay for rent?

14 A. Seven sixty-five.

15 Q. Before you lived at Northampton Street, where did
16 you live?

17 A. At 53 Earl.

18 Q. How long did you live there?

19 A. Maybe three years.

20 Q. What cross street is that closest to?

21 A. It's between Best and High, it's only a one block
22 street.

23 Q. Is that on the East Side?

1 A. It is.

2 Q. How much rent did you pay there?

3 A. Like four hundred bucks.

4 Q. Who did you live there with?

5 A. [REDACTED] and two kids, turned into three.

6 Q. Do you recall why you moved?

7 A. No. Not a specific reason.

8 Q. Do you remember, did you think the Northampton
9 address was a better place to live?

10 A. No. Well, it was convenient.

11 Q. Why was it convenient?

12 A. Because I needed to move.

13 Q. Why did you need to move?

14 A. It was just many reasons. It was a few reasons.

15 Q. What were the reasons?

16 A. [REDACTED] and his dad wasn't getting along, me and
17 [REDACTED] wasn't getting along. It was feud with
18 the in-laws, his father's in-laws, so I moved --
19 well, yeah. I moved.

20 Q. And [REDACTED] didn't move with you to the
21 Northampton address?

22 A. No.

23 Q. Prior to 53 Earl, where did you live?

1 A. 284 Langfield Drive.

2 Q. How long did you live there for?

3 A. I moved there in December of 2011.

4 Q. So you were there for --

5 A. I want to say two years maybe. I moved out in
6 2013. I think it was 2013 or '14, somewhere
7 around there. I don't remember specifically.

8 Q. How old were you in 2013?

9 A. Twenty-three.

10 Q. Who did you live at 284 Langfield Drive with?

11 A. Two kids.

12 Q. Did you live there with [REDACTED] too or just the
13 two kids?

14 A. No. Just two kids.

15 Q. What was your rent there?

16 A. Subsidized, so it depended on how much I made.

17 Q. Can you estimate what the approximate amount was?

18 A. No.

19 Q. The approximate average per month?

20 A. No.

21 Q. Okay. Would it have been more than five hundred
22 ever?

23 A. No. Not ever.

1 Q. Always under five hundred?

2 A. Yes.

3 Q. Ever around five hundred?

4 A. No.

5 Q. Always lower?

6 A. I'm not sure exactly, I don't know.

7 Q. Certainly never higher than five hundred though?

8 A. No.

9 Q. What cross street is Langfield close to?

10 A. It was in between -- well, it's only -- in
11 between Orleans and Eggert, was that Eggert,
12 yeah, I think Eggert. No, Edison. Not Eggert.
13 Edison and Orleans -- no. Edison and Suffolk are
14 the two streets that it's in between, and it's
15 like a long stretch of apartments.

16 Q. Is that on the East Side of Buffalo?

17 A. Yes.

18 Q. How about before Langfield, where did you live?

19 A. I don't remember. I lived with my mom.

20 Q. Okay. Is Langfield the first time that you lived
21 away from --

22 A. Yes.

23 Q. Let me finish the question.

1 A. I'm sorry.

2 Q. That's okay. That's okay. Is Langfield the
3 first time you lived away from your mother?

4 A. Yes.

5 Q. Okay. So have we covered basically everywhere
6 you've lived as an adult?

7 A. Yes.

8 Q. All right. Did you grow up here in Buffalo?

9 A. Yes.

10 Q. Did you always live in the City of Buffalo
11 growing up?

12 A. Yes.

13 Q. Where did you attend school?

14 A. I went to -- grammar school I went to School 38,
15 and then I went to Campus East, which changed
16 it's name to Dr. Lydia T. Wright, School 89, I
17 graduated grammar school there. I graduated high
18 school from East High School.

19 Q. What year did you graduate?

20 A. High school?

21 Q. Yes.

22 A. 2008.

23 Q. Did you go to college?

1 A. I graduated college in 2017.

2 Q. Where did you graduate college from?

3 A. Bryant and Stratton.

4 Q. Did you receive your Bachelor's degree from
5 Bryant and Stratton?

6 A. Associate's.

7 Q. What did you get your Associate's degree in?

8 A. Medical assisting.

9 Q. In 2008 when you graduated high school, did you
10 attend any college, university or --

11 A. Yes.

12 Q. -- junior college?

13 A. I went to Medaille College for two semesters.

14 Q. Right after graduating?

15 A. Yes.

16 Q. So the fall of 2008?

17 A. Yes.

18 Q. Do you recall why you didn't finish?

19 A. Yes.

20 Q. Why?

21 A. Because I didn't know how to do financial aid and
22 I didn't have no support.

23 Q. Did you fail any classes?

1 A. Two.

2 Q. In the same semester or in different semesters?

3 A. Yes. The same semester.

4 Q. Was it the first or second semester?

5 A. The second.

6 Q. Did you have a scholarship to go to Medaille?

7 A. Yes.

8 Q. Was it taken away when you failed the classes?

9 A. No. It wasn't a full ride, it was just a partial
10 number.

11 Q. Okay. Was it a voluntary choice to stop
12 attending Medaille after two semesters --

13 A. Yes.

14 Q. -- or was it something that the school did?

15 A. Sorry. Voluntary.

16 Q. Okay. In between Medaille and Bryant and
17 Stratton, did you attend any other places of
18 higher education, colleges, universities?

19 A. ECC.

20 Q. When did you attend ECC?

21 A. I know I attended in 2012, I attempted, and then
22 I dropped out.

23 Q. How many semesters did you spend at ECC?

1 A. Just one. One or two. I don't know exactly. I
2 don't remember.

3 Q. Can you tell me why you dropped out?

4 A. It was too hard, I had two kids.

5 Q. Did you finish any classes?

6 A. Like I don't understand finish.

7 Q. Meaning did you take a final exam and receive a
8 grade?

9 A. Yes.

10 Q. Did you fail any classes?

11 A. One.

12 Q. How many classes did you take?

13 A. I don't know exactly.

14 Q. Was it more than two?

15 A. Yes. I was full-time.

16 Q. Was it at least four?

17 A. At least -- three. I'm not sure if it was four
18 or more.

19 Q. What year did you start at Bryant and Stratton?

20 A. In 2014.

21 Q. How many years did it take you to get your
22 Associate's degree from Bryant and Stratton?

23 A. Three calendar years.

1 Q. How many semesters, in other words --

2 A. I don't know.

3 Q. -- did you take any semesters off?

4 A. Yes.

5 Q. Why was that?

6 A. Just being a mom.

7 Q. So what year was it when you finished your
8 Associate's degree?

9 A. 2017.

10 Q. When you were working towards your Associate's
11 degree, did you have any job or employment?

12 A. Yes.

13 Q. Where did you work?

14 A. When I finished?

15 Q. While you were there.

16 A. While I was there, I went to -- I worked for
17 Kaleida.

18 Q. What did you do for Kaleida?

19 A. I was a CNA.

20 Q. What's a CNA?

21 A. A certified nurse's assistant.

22 Q. How did you become a certified nurse's assistant?

23 A. You go to classes for that, and you get certified

1 through the state.

2 Q. Where did you attend classes?

3 A. EOC, the Equal Opportunity Center of Buffalo.

4 Q. When did you attend those classes to get that
5 certification?

6 A. In 2010.

7 Q. After you left Medaille?

8 A. Yes.

9 Q. But before you went to ECC?

10 A. Yes.

11 Q. When did you start working at Kaleida?

12 A. In 2013.

13 Q. Did you work at Kaleida the entirety of the time
14 you were working towards your Associate's degree?

15 A. No.

16 Q. When did you stop working at Kaleida?

17 A. In December of 2015.

18 Q. Do you recall why you stopped working there?

19 A. I got fired for time and attendance.

20 Q. For what?

21 A. Time and attendance policy.

22 Q. Meaning you missed too many days of work?

23 A. Yes.

1 Q. Do you recall why you missed work?

2 A. Sometimes I didn't have a vehicle, sometimes I
3 didn't feel good.

4 Q. Do you recall how many days you had to miss to be
5 in violation of the policy?

6 A. Not specifically, because they have an attendance
7 policy that you get certain points and markers,
8 and they go by dates and time periods, so not --
9 I don't remember specifically.

10 Q. How many days did you miss?

11 A. I don't know specifically.

12 Q. Was it multiple weeks?

13 A. No. It was -- I don't understand.

14 Q. Did you miss multiple weeks of work?

15 A. No. You only get -- at the time I think it was
16 seven in a calendar year, to miss unexcused.

17 Q. Unexcused absences?

18 A. It's an estimate, yes.

19 Q. How much were you paid in between 2013 and 2015
20 when you worked for Kaleida?

21 A. I don't remember. I don't remember how much I
22 made.

23 Q. Were you paid a salary or were you paid an hourly

1 rate?

2 A. Hourly.

3 Q. Do you recall whether you made more than minimum
4 wage?

5 A. I did make more than minimum wage back then.

6 Q. At any point were you making more than fifteen
7 dollars an hour?

8 A. I don't remember.

9 Q. But certainly it was higher than minimum wage the
10 whole time?

11 A. Yes, I believe so.

12 Q. In between 2013 and 2015, did you work anywhere
13 else --

14 A. Yes.

15 Q. -- besides Kaleida?

16 A. I'm sorry.

17 Q. Let me finish the question. That's okay. Did
18 you work anywhere else besides Kaleida in between
19 2013 and 2015?

20 A. Yes.

21 Q. Where did you work?

22 A. I worked for Nursefinder.

23 Q. Nurse?

1 A. Nursefinder.

2 Q. Nursefinder. What is Nursefinder?

3 A. It's a CNA travel agency company. They hire CNAs
4 to go to different places that need help.

5 Q. What is a CNA?

6 A. A certified nurse's assistant.

7 Q. So did you work as a nurse's assistant or were
8 you finding nurse's assistants?

9 A. I worked as a nurse's assistant.

10 Q. And you would go where you were needed?

11 A. Yes.

12 Q. How long did you work there?

13 A. From 2013 to 2016, on and off.

14 Q. And why did you stop?

15 A. I got fired.

16 Q. How did you get fired?

17 A. Because they said that I used drugs during a drug
18 test.

19 Q. Did you fail a drug test?

20 A. Yes.

21 Q. What drugs were found in your system?

22 A. It wasn't in my system at all. It was my hair.

23 Q. Okay. So you had to take a hair follicle test?

1 A. Yes. I was getting bought from the agency out of
2 my contract at Mercy Hospital to work for Mercy
3 Hospital specifically, and I had to go through
4 the hiring process for Mercy Hospital, so they
5 took my hair, and my urine, and they said that my
6 hair came back for cocaine positivity in 2016.

7 Q. Have you used cocaine before?

8 A. Never.

9 Q. Have you used drugs of any kind before?

10 A. Marijuana.

11 Q. Do you use marijuana currently?

12 A. Sometimes.

13 Q. Did you -- so was it Mercy Hospital that did the
14 drug test?

15 A. Catholic Health, yes.

16 Q. Catholic Health. So Mercy Hospital is in the
17 Catholic Health System?

18 A. Yes.

19 Q. Okay. And once the drug test was positive,
20 Nursefinder fired you?

21 A. Yes.

22 Q. I see. Did you try to challenge the findings of
23 the drug test at all?

1 A. Yes.

2 Q. How?

3 A. Well, I tried, but it didn't work because it was
4 pre-employment, and not like a random drug test.
5 It was pre-employment for Catholic Health.

6 Q. How did you try to challenge it though?

7 A. I asked if I could retake the test, I asked if it
8 was mixed up with anyone else, and it was always,
9 the answer was always no.

10 Q. Any other -- have you ever been arrested for drug
11 use?

12 A. Never.

13 Q. Have you ever been arrested at all?

14 A. No.

15 Q. Anywhere else in between 2013 and 2016 that you
16 worked?

17 A. Yep. I worked for a temp agency, I worked for
18 SPS.

19 Q. When did you start working for them?

20 A. In 2016. When I got fired from Nursefinder.

21 Q. How long did you work -- what is the name of the
22 company? I'm sorry.

23 A. SPS.

1 Q. SPS. How long did you work for them?

2 A. For probably a few months, not sure exactly how
3 many, but I know I worked December, January, and
4 then I just gave it up.

5 Q. How about prior to working at Kaleida in 2013,
6 did you work anywhere before Kaleida?

7 A. Just Nursefinder.

8 Q. Okay. Did you --

9 A. Oh, yes, I did. Yes, I did. I remember. I
10 worked for -- it's on Hager. I can't remember
11 the name of it -- Niagara Lutheran.

12 Q. What is Niagara Lutheran?

13 A. It's a nursing home.

14 Q. What did you do there?

15 A. A CNA.

16 Q. How long did you work there?

17 A. From 2012 until 2000 -- no, not 2012. 2010 until
18 2012.

19 Q. Did you start working there around the time you
20 got your certification?

21 A. After.

22 Q. Do you recall how much you were paid?

23 A. I don't remember.

1 Q. Why did you stop working there?

2 A. I got fired.

3 Q. Why did you get fired?

4 A. I was arguing with a co-worker.

5 Q. What were you arguing with the co-worker about?

6 A. Because she kept bullying me.

7 Q. How was she bullying you?

8 A. She was trying to intimidate me and scare me, and
9 embarrass me every time I came to work.

10 Q. How was she trying to intimidate you?

11 A. By calling me names, using her weight, and just
12 tried to make me scared like, I don't know.

13 Q. Did you know her before working there?

14 A. No.

15 Q. Did you do anything to provoke that behavior?

16 A. No.

17 Q. Do you have any indication as to why she behaved
18 that way towards you?

19 A. No.

20 Q. Was she ever disciplined?

21 A. I don't know. I don't know.

22 Q. Did you ever report her behavior to a supervisor?

23 A. No.

1 Q. Was it one argument that you got fired over?

2 A. Me, yes. Fired, yes.

3 Q. Was there a physical altercation?

4 A. No.

5 Q. Was it a verbal argument?

6 A. Yes.

7 Q. Did your supervisor or a supervisor see the
8 verbal argument?

9 A. No.

10 Q. It was reported to them?

11 A. Yes.

12 Q. Who reported it?

13 A. I don't know.

14 Q. Is it possible that this individual reported it?

15 A. I don't know.

16 Q. You don't know or not?

17 A. I don't know.

18 Q. Okay. By the way, what's this individual's name?

19 A. I don't remember. It was a long time ago.

20 Q. Prior to 2010 when you got your CNA, I guess in
21 between when you were at Medaille and getting
22 your CNA, did you work anywhere?

23 A. PriceRite on Elmwood.

1 Q. What cross street is that closest to on Elmwood?

2 A. North.

3 Q. Okay. Is it --

4 A. And Best.

5 Q. Okay. How long did you work there?

6 A. Maybe about less than a year.

7 Q. How much did you make there?

8 A. I don't remember.

9 Q. Do you recall why you stopped working there?

10 A. No. No specific reason. Oh, yes I do. I
11 remember. They tried to change my store to the
12 other one, to the newer one that's on Elmwood and
13 Kenmore. But I lived three blocks from the one
14 on Elmwood and North.

15 Q. Okay.

16 A. So I quit.

17 Q. Got it. How about before PriceRite, did you work
18 anywhere?

19 A. No. No.

20 Q. Have we covered everywhere you worked before you
21 got your Associate's?

22 A. No. I worked somewhere else, I worked at Party
23 City when I graduated from high school. And I

1 turned eighteen and I worked at Party City for
2 like Halloween season, like seasonal.

3 Q. Okay. It wasn't full-time employment though?

4 A. No.

5 Q. How many years did you do that?

6 A. Just for like a few months.

7 Q. Okay. Meaning, did you, did you work there
8 multiple Halloween seasons?

9 A. No. Just the one.

10 Q. Okay. What classes did you have to take to get
11 your Associate's degree?

12 A. A lot. I had to take anatomy, I had to take -- I
13 had to go to an internship. I had to take
14 English, and math, and science. Anatomy one,
15 two, English one, two. I had to take a
16 keyboarding class, I had to take a psychology
17 class, a lot.

18 Q. Did you have to pay tuition?

19 A. I did.

20 Q. How much was your tuition?

21 A. I don't know specifically. I can tell you how
22 much student loan debt I'm in.

23 Q. How much student loan debt are you in?

1 A. Fifty thousand dollars.

2 Q. Stemming all from your Associate's degree?

3 A. That's the only degree I obtained, but stemming
4 from multiple universities, trying to get it
5 together.

6 Q. So it's loans you took out for Medaille, ECC and
7 Bryant and Stratton?

8 A. Yes.

9 Q. Is the bulk of it from Bryant and Stratton?

10 A. Yes. Because I actually stayed and attended and
11 I got a degree.

12 Q. After getting your Associate's degree, did you
13 obtain any employment?

14 A. Yes.

15 Q. Where did you obtain employment?

16 A. Buffalo Medical Group.

17 Q. What do you do at Buffalo Medical Group?

18 A. I was a medical assistant.

19 Q. How long were you there for?

20 A. A year.

21 Q. Do they have multiple facilities?

22 A. Yes.

23 Q. Were you at just one facility?

1 A. Williamsville, Essjay.

2 Q. How long did you work there? I'm sorry. I
3 didn't catch it.

4 A. From June of 2017 until May of 2018.

5 Q. How much were you paid?

6 A. Thirteen dollars an hour.

7 Q. Why did you leave?

8 A. Because I wasn't making enough money with a
9 degree.

10 Q. Did you quit?

11 A. I quit.

12 Q. And you quit --

13 A. In May of 2018.

14 Q. Did you find employment after that?

15 A. Yes.

16 Q. Where did you find employment?

17 A. Kaleida Health.

18 Q. You went back to work for Kaleida?

19 A. I did.

20 Q. Were there any issues given that you had been
21 fired there previously?

22 A. No.

23 Q. What position did you get at Kaleida?

1 A. A certified medical assistant.

2 Q. When did you get that job?

3 A. In May of 2018.

4 Q. Any gap in between Buffalo Medical Group and
5 Kaleida?

6 A. No. I put my two weeks in, the day before I
7 started at Kaleida.

8 Q. Do you still work at Kaleida?

9 A. Yes.

10 Q. How much do you make?

11 A. Now I make -- I think it's twenty-one
12 seventy-four but the cents might be off, but I
13 know I make --

14 Q. Do you work full-time?

15 A. Yes. I think it's twenty-two seventy-four. I'm
16 sorry.

17 Q. That's okay. Do you work five days a week?

18 A. Yes.

19 Q. What facility do you work at?

20 A. Oishei.

21 Q. What specifically do you do?

22 A. Now I'm a medical secretary.

23 Q. What does that entail?

1 A. I schedule surgeries for the chief of surgery, I
2 answer phone calls, I triage patients, and I
3 schedule appointments, and I run Vascular
4 Anomalies Clinic, and I run Dr. Harmon's Clinic.

5 Q. Do you plan to stay there?

6 A. Yes.

7 Q. Do you currently pay rent by yourself?

8 A. Yes.

9 Q. No one contributes or helps at all?

10 A. No.

11 MR. SAHASRABUDHE: Off the record.

12 (Discussion off the record.)

13 BY MR. SAHASRABUDHE:

14 Q. Back on the record. After a recess, Miss Evans,
15 do you currently have a valid driver's license?

16 A. Yes.

17 Q. How long have you had a valid driver's license
18 for?

19 A. Six, seven months.

20 Q. So approximately June or July of this year?

21 A. Yes. I don't even know exactly when, but yes.
22 This year for sure.

23 Q. Before summer of this year, when was the last

1 time you had a valid driver's license?

2 A. That's my first time having a valid driver's
3 license.

4 Q. Okay. Did you pass your driver's test this year?

5 A. Yes.

6 Q. Was that the first time you had ever taken it?

7 A. Yes.

8 Q. So at no point prior to summer of this year did
9 you have a valid driver's license?

10 A. No.

11 Q. All right. Since obtaining a valid driver's
12 license, have you received any traffic tickets?

13 A. No.

14 Q. Have you ever been pulled over?

15 A. No.

16 Q. Have you ever been stopped at a checkpoint, a
17 traffic safety checkpoint?

18 A. Since having my license?

19 Q. Yes.

20 A. No.

21 Q. Before obtaining your driver's license this year,
22 did you drive regularly?

23 A. Yes.

1 Q. How often did you drive -- let me ask this. In
2 between -- withdrawn. In the five-year period
3 leading up to when you got a valid driver's
4 license, how often would you say you drove on a
5 weekly basis?

6 A. At least to and from work. I would say quite
7 regularly.

8 Q. More than once a week?

9 A. Yes.

10 Q. When you drove would there be a licensed driver
11 in the car with you?

12 A. Yes.

13 Q. Was that always the case?

14 A. No.

15 Q. And I'm talking about just generally here. Who
16 would be the person or people who had a valid
17 driver's license that drove with you?

18 A. [REDACTED] Green, Kelly Isaac, LaShareece Green,
19 Tanisha Ware.

20 Q. Why is it that you would be driving and they
21 would not be?

22 A. Not saying that they would not be driving, but I
23 mean, I have a learner's permit, it's not that

1 I'm revoked or anything like that.

2 Q. Okay. When did you obtain a learner's permit?

3 A. In 2012 maybe.

4 Q. Did you have a valid learner's permit from 2012
5 up until 2022 when you obtained your license?

6 A. Yes. Unless it was suspended.

7 Q. On how many occasions was it suspended?

8 A. I don't know specifically.

9 Q. Was it more than five?

10 A. No.

11 Q. Was it more than two?

12 A. Maybe.

13 Q. Was it at least two?

14 A. I don't know.

15 Q. You don't remember if it was more than one time?

16 A. No.

17 Q. It certainly happened at least once though?

18 A. At lest, yes.

19 Q. In the five years preceding when you obtained

20 your valid driver's license, about how often

21 would you operate a vehicle without a licensed

22 driver in the car with you?

23 A. Maybe once or twice a week. I can't say specific

1 amount, that was a long time ago.

2 Q. Did you ever take your driver's test in that
3 fire-year period?

4 A. No.

5 Q. Other than when you took your driver's test to
6 get your driver's license, did you ever take --

7 A. No.

8 Q. -- a driver's test before that?

9 A. No.

10 Q. So you've only ever taken the driver's test once?

11 A. Yes.

12 Q. What took you so long to take the driver's test?

13 A. Life.

14 Q. Explain what you mean.

15 A. Just going through things, school, work, being a
16 mom. You have to do the five-hour course first,
17 I never really had time to do that.

18 Q. When did you complete the five-hour course that
19 was required?

20 A. Right before I got my license this year.

21 Q. So it would have been earlier in 2022?

22 A. Yes.

23 Q. Prior to 2022, had you ever signed up to do the

1 five-hour course?

2 A. Yes. Well, I didn't have to sign up prior, you
3 just show up at the time of.

4 Q. Okay.

5 A. I showed up to one, but I knew I wasn't gonna be
6 able to stay the whole time, so --

7 Q. When was that?

8 A. In 2019.

9 Q. Approximately how many traffic tickets have you
10 received operating a car while you had your
11 learner's permit?

12 A. More than once.

13 Q. More than five?

14 A. I'm not sure exactly.

15 Q. Have you ever received a speeding ticket while
16 you had your learner's permit?

17 A. No.

18 Q. Have you ever been ticketed because the car you
19 were driving had an expired registration?

20 A. No.

21 Q. How about an expired inspection?

22 A. I don't think so.

23 Q. How about the fact that you didn't have proof of

1 valid insurance?

2 A. No.

3 Q. As you sit here today, can you tell me the
4 instances you remember receiving a traffic ticket
5 when you had a learner's permit, what were they
6 for?

7 A. Driving without a license.

8 Q. Is that the only instance you can remember?

9 A. Well, whenever I got a ticket at a stop point, it
10 was because driving without a license, or I got
11 infant seat belt tickets once -- not infant, but
12 child restriction or something of the nature.
13 That was one. I got -- it was always usually
14 driving without a license.

15 Q. How many times were you given a ticket for
16 driving without a license?

17 A. I don't know, more than once.

18 Q. Were any of those not at a checkpoint, a traffic
19 safety checkpoint?

20 A. No.

21 Q. So each time you got a ticket for driving without
22 a license it happened at a traffic and safety
23 checkpoint?

1 A. No. Once in Buffalo -- no. The ones in Buffalo,
2 yes. But once I was on my way to work in
3 Tonawanda.

4 Q. Okay. So you received a ticket in Tonawanda once
5 for driving without a license?

6 A. Yes.

7 Q. And that was not at a traffic and safety
8 checkpoint?

9 A. No.

10 Q. How many times did you receive a ticket in the
11 City of Buffalo for driving without a license?

12 A. Only at a checkpoint or pulled over?

13 Q. Total.

14 A. I don't know exactly.

15 Q. Okay. How about at a checkpoint?

16 A. I know once for sure. I know once for sure. It
17 may be more than once though.

18 Q. Okay. You can recall one specifically right now?

19 A. Yes.

20 Q. And you can't recall any other specifically right
21 now, correct?

22 A. Correct.

23 Q. Do you know that you have gotten a ticket for

1 driving without a license in the City of Buffalo
2 at a location that was not a vehicle safety
3 checkpoint?

4 A. No.

5 Q. So as far as you know -- withdrawn. You can only
6 think of one total instance where you got a
7 ticket for driving without a license in the City
8 of Buffalo right now?

9 A. Yes.

10 Q. Okay. When was the last time you encountered a
11 vehicle and safety checkpoint in the City of
12 Buffalo?

13 A. It was a long time ago. I don't remember.

14 Q. Was it more than five years ago?

15 A. I don't know. It was pre-pandemic.

16 Q. Okay. It was certainly before 2020?

17 A. Yes.

18 Q. Have you ever encountered a vehicle and safety
19 checkpoint after you got a ticket for driving
20 without a license?

21 A. Yes.

22 Q. About how many times?

23 A. Once I can recall.

1 Q. Were you the driver?

2 A. No.

3 Q. Were you a passenger?

4 A. Yes.

5 Q. Where was this particular vehicle and safety
6 checkpoint?

7 A. On Lisbon -- no. Leslie and Scajaquada.

8 Q. Is that the same location where you were given a
9 ticket for driving without a license?

10 A. No.

11 Q. So you did not receive a ticket at Leslie and
12 Scajaquada?

13 A. No.

14 Q. As far as you remember?

15 A. As far as I remember.

16 Q. Okay.

17 A. I did not personally, I was not driving, but they
18 impounded my car.

19 Q. This instance at Leslie and Scajaquada, your car
20 was pulled over?

21 A. Yes.

22 Q. Someone else was driving?

23 A. Yes.

1 Q. Who was driving?

2 A. [REDACTED] Green.

3 Q. Why was the car pulled over?

4 A. Everybody get pulled over at a checkpoint.

5 Q. Okay. So you -- do you recall why the car was
6 impounded?

7 A. Because his license was suspended.

8 Q. Okay.

9 A. And he didn't get the letter yet.

10 Q. So neither you nor Mr. Green had a valid license?

11 A. Correct.

12 Q. Was there any other traffic violation that Mr.
13 Green was cited for at that time?

14 A. Not that I remember, just driving without a
15 license for sure.

16 Q. Okay. And you're sure it was Mr. Green driving
17 the car?

18 A. Yes.

19 Q. Were your kids in the car?

20 A. Yes.

21 Q. How many of your kids were in the car?

22 A. All three -- no. Two. At this specific one,
23 two.

1 Q. Were any tickets issued for improper seat belts
2 in this instance?

3 A. No.

4 Q. Where were you when you received a ticket for
5 driving without a license?

6 A. On Pershing Street.

7 Q. Do you recall the cross street you were closest
8 to?

9 A. High Street.

10 Q. Is this before or after [REDACTED] received a ticket
11 for driving without a license at a checkpoint?

12 A. After. Around the same time, but it was after I
13 believe.

14 Q. Do you recall about how long after?

15 A. No.

16 Q. Do you recall if [REDACTED] went to court?

17 A. Yes.

18 Q. Do you recall if he challenged his ticket?

19 A. I don't recall.

20 Q. Did you go to court with him?

21 A. I don't remember. It was a long time ago.

22 Q. What makes you say that [REDACTED] -- withdrawn.

23 How did you know you were at a vehicle and safety

1 checkpoint the instance that [REDACTED] was ticketed
2 for driving without a license?

3 A. Because I know what they look like.

4 Q. What do they look like?

5 A. It's like about ten or more cops all standing
6 around in the street, and all their cars are
7 parked on the curbs of both sides, and they just
8 stop every car that comes by.

9 Q. And that was the case on Leslie and Scajaquada
10 during the incident that [REDACTED] got a ticket for
11 driving without a license?

12 A. Yes.

13 Q. Do you recall the officer who issued the ticket?

14 A. No.

15 Q. Was it the same officer who issued you a ticket?

16 MS. TEFFT: Object to form.

17 THE WITNESS: I don't know.

18 BY MR. SAHASRABUDHE:

19 Q. Okay. I'm going to show you what we marked at a
20 previous deposition as Defendant's Exhibit A.
21 And I'm going to draw your attention to
22 paragraphs three seventy-eight through three
23 ninety-seven of Deposition Exhibit A, which is

1 the Amended Complaint in this action.

2 You told me earlier you reviewed this
3 before, correct?

4 A. Yes.

5 Q. This is one of the documents you reviewed in
6 preparation for today?

7 A. Yes.

8 Q. At the bottom of page sixty of the Complaint,
9 which is Defendant's Exhibit A, you see in the
10 bold subheading that says Jane Doe?

11 A. Yes.

12 Q. Fair to say that that refers to you?

13 A. Yes.

14 Q. Can I ask why you didn't want your name to be
15 associated with this lawsuit?

16 MS. TEFFT: Object to form. Go ahead.

17 THE WITNESS: In fear of retaliation from the Buffalo
18 Police.

19 BY MR. SAHASRABUDHE:

20 Q. What made you fear retaliation from the Buffalo
21 Police?

22 A. Because they are known to -- well, because I have
23 heard from other members of the community that

1 they harass you.

2 Q. Who has told you that Buffalo police officers
3 engage in behavior that is harassing in nature?

4 A. People that I know.

5 Q. Have you ever seen Buffalo police officers
6 engaged in behavior you would describe as
7 harassing?

8 A. Yes.

9 Q. When?

10 A. Just growing up and living on the East Side.

11 Q. Can you think of a specific instance in the last
12 five years?

13 A. Not specifically with me.

14 Q. So that was going to be my next question. Has
15 any Buffalo police officer ever harassed you?

16 A. No.

17 Q. Any other reasons you can think of why you didn't
18 want your name to be associated with the lawsuit?

19 A. No. I knew at some point my name would be, but
20 not throughout all this.

21 Q. Okay. Are you now okay with having your name
22 associated with the lawsuit?

23 A. Yes.

1 Q. Why don't you take your time and read through
2 paragraphs three seventy-eight through three
3 ninety-seven.

4 A. I think that's it.

5 Q. So do you feel like you've had enough time to
6 review those paragraphs?

7 A. Yeah. I read it before.

8 Q. Okay. I want to specifically address your
9 attention for the time being to paragraph three
10 seventy-nine at the bottom of page sixty.

11 A. Okay.

12 Q. It says there that prior to July of 2015, you
13 passed through approximately ten BPD vehicle
14 checkpoints, correct?

15 A. Correct.

16 Q. First of all, do you recall approximately how
17 many of those checkpoints you drove through as
18 the driver of the car?

19 A. Only the time I got ticketed.

20 Q. So any other time you went through a checkpoint
21 you were a passenger?

22 A. Yes.

23 Q. Can you tell me, do you recall specifically where

1 the ten checkpoints were that you went through as
2 a passenger prior to July of 2015?

3 A. Sure. Usually Leslie and Scajaquada a few times
4 for sure. Kinda anywhere. I'm drawing a blank.
5 Hold on. They could be anywhere. Genesee and
6 Kehr, Genesee and Moselle. Pershing and Best --
7 no. Pershing and High. The Leslie one, that's
8 the common one, because it's like a turn, so you
9 don't know they're there until you turn into it.
10 They just usually be -- they used to usually be
11 at random areas, random corners, like random
12 spots throughout the neighborhood. Never in a
13 specific location.

14 Q. Have you ever been through a vehicle and safety
15 checkpoint in an area of the city that you would
16 call -- that is not what you would consider to be
17 the East Side?

18 A. No.

19 Q. Never been on a vehicle and traffic checkpoint on
20 the West Side?

21 A. No.

22 Q. Okay. If you could go to page or paragraph three
23 eighty on the next page of Defendant's Exhibit A.

1 A. Um-hum.

2 Q. Paragraph three eighty says that essentially you
3 were driving with your children on July 2nd, 2015
4 at the intersection of Leslie and Scajaquada,
5 correct?

6 A. Yes. I think, don't quote me, but I think that
7 we might have to go back. I think this is the
8 wrong stop. I know they impounded my car right
9 here, but I wasn't driving that time. I think
10 where I got these tickets, it might have been on
11 Pershing and High.

12 Q. Okay.

13 A. Where I actually got the --

14 Q. Okay. So paragraph three eighty may not
15 accurately reflect the intersection where you
16 encountered this checkpoint?

17 A. True. I don't, I don't know specifically, but I
18 don't think so.

19 Q. Okay. So going down -- well, actually staying on
20 paragraph three eighty. It's alleged, and I
21 think you've already told us, at this time in
22 July of 2015, you didn't have a license, right?

23 A. I did not.

1 Q. You acknowledge you were driving a car without a
2 license?

3 MS. TEFFT: Object to form.

4 THE WITNESS: Yes.

5 BY MR. SAHASRABUDHE:

6 Q. And did you know that that was illegal?

7 MS. TEFFT: Object to form.

8 THE WITNESS: No. That's not illegal.

9 BY MR. SAHASRABUDHE:

10 Q. Did you know that it was a traffic violation to
11 operate a car without a license without a
12 licensed driver present with you?

13 MS. TEFFT: Object to form.

14 THE WITNESS: No.

15 BY MR. SAHASRABUDHE:

16 Q. Is it your understanding that that is not a
17 traffic violation?

18 MS. TEFFT: Object to form.

19 THE WITNESS: At the time, yes.

20 BY MR. SAHASRABUDHE:

21 Q. Okay. So at the time your understanding was that
22 it was not a traffic violation to operate a
23 vehicle with a learner's permit without a

1 licensed driver present in the car with you?

2 MS. TEFFT: Object to form.

3 THE WITNESS: True. Because I can purchase my car,
4 register my car, and insure my car on a learner's
5 permit, but I can't drive my car.

6 BY MR. SAHASRABUDHE:

7 Q. Has your understanding changed?

8 A. Yes.

9 Q. How so?

10 A. Because even though I register, insure and
11 purchase a car, I still need somebody else to
12 drive it.

13 Q. Okay. And you do acknowledge on July 2nd, 2015
14 there was no licensed driver with you in the car?

15 A. Yes.

16 Q. And I think you told us already, you think you
17 were at the intersection of Pershing and High?

18 A. I know -- I believe so. But if that's what,
19 unless these tickets say otherwise.

20 Q. Okay. Well, we can talk about that a little
21 later. Tell me how many cars were in front of
22 you when you got to the checkpoint.

23 A. I don't know.

1 Q. Okay. Was it multiple cars?

2 A. Yes.

3 Q. As you sit here today, do you recall specifically
4 one way or the other whether you took your seat
5 belt off?

6 A. Yes.

7 Q. Did you take your seat belt off before you got to
8 the point of the checkpoint where the officers
9 were observing your vehicle?

10 A. That's not -- it's hard to say depending on what
11 you mean as to the checkpoint, because --

12 Q. When in relation to when you stopped your car did
13 you take your seat belt off?

14 A. Immediately.

15 Q. Okay. So as soon as you got to the checkpoint
16 you took your seat belt off?

17 A. Right.

18 Q. Were you behind other cars?

19 A. Yes.

20 Q. And we'll get to it a little later on but, well,
21 I guess, your children, can you describe the
22 seats they were sitting in?

23 A. Just booster seats, that has been proven to be

1 for larger children.

2 Q. Okay. What is a booster seat?

3 A. It's a booster seat, it's just a seat.

4 Q. Okay.

5 A. And you put the seat belt through like a regular
6 seat.

7 Q. Is it the same as a booster seat a small child
8 would sit at at the dinner table?

9 A. Kinda, sorta, around that line.

10 Q. Is it, in other words, were they car seats?

11 A. No -- well, a booster seat is a form of a car
12 seat, there's just age and weight requirements
13 for a specific type, which I've learned from
14 this.

15 Q. Okay. How many officers were present at this
16 particular checkpoint?

17 A. I don't know.

18 Q. Do you recall the appearance of the officer who
19 gave you -- who ultimately gave you some tickets?

20 A. I don't recall.

21 Q. Do you recall one way or the other whether the
22 officer was male or female?

23 A. I don't remember.

1 Q. You don't recall anything about the interaction
2 you had with the officer?

3 A. Not word for word, but I remember the incident in
4 whole, and how the checkpoints work.

5 Q. Do you recall one way or the other whether you
6 interacted with more than one police officer at
7 this particular checkpoint?

8 A. No. Different police officers go to different
9 cars, and I guess the officer who ticketed me
10 just happened to come to my car.

11 Q. Was your vehicle impounded?

12 A. No.

13 Q. In other words, you were issued tickets and you
14 were allowed to drive away?

15 A. Yes.

16 Q. When was the next time you -- withdrawn. After
17 this incident, where you received a ticket at a
18 checkpoint for driving without a license, have
19 there been any other instances where you as a
20 passenger have gone through checkpoints?

21 A. Yes.

22 Q. Okay. About how many times?

23 A. I can't recall.

1 Q. Would you say that the frequency with which you
2 encounter checkpoints as a passenger decreased
3 after this incident?

4 A. No.

5 Q. When did it start to decrease?

6 A. I want to say when we started discussing this
7 lawsuit.

8 MR. SAHASRABUDHE: I want to show you -- or, I want
9 to have something marked actually.

10

11 (Whereupon, Evans Hearing Transcript was
12 then received and marked as Defendant's Exhibit
13 F, for identification.)

14

15 BY MR. SAHASRABUDHE:

16 Q. So I just handed you what has been marked as
17 Defendant's Exhibit F. Is this a document you've
18 seen before?

19 A. Yes.

20 Q. This is a transcript of a hearing that was held
21 in connection with the tickets you were issued at
22 the checkpoint we were just discussing, correct?

23 A. Yes.

1 Q. I have a quick question about the first page
2 actually of this exhibit. It's dated March 10,
3 2017, correct?

4 A. Yes.

5 Q. And if I recall correctly, it was July of 2015
6 when you got these tickets?

7 A. I think so. It was a long time ago. Yes.

8 Q. Do you recall why it took so long to get into
9 Traffic Court for a hearing?

10 A. No.

11 Q. Nothing in particular you can think of that led
12 to there being over a year in between the ticket
13 being issued and having the hearing?

14 A. No.

15 Q. Okay. Was there ever an adjournment for the
16 hearing?

17 A. No. That was the first time I ever went.

18 Q. Okay. I was just curious. I want to direct your
19 attention to page five of Defendant's Exhibit F,
20 and specifically, I want to direct your attention
21 to the last paragraph. So do you see the last
22 paragraph, at the hearing, you said you didn't
23 know that the seat belts that you were using or

1 the harnesses or belts you were using for your
2 kids were improper?

3 A. Yes.

4 Q. Do you dispute that they were improper given your
5 children's weight and size at that time?

6 A. Can you rephrase?

7 Q. Yes. In other words, at the time you got these
8 two tickets, were the harnesses you were using
9 for your children proper given your children's
10 size and weight at the time?

11 MS. TEFFT: Object to form.

12 THE WITNESS: No. I don't contest that.

13 BY MR. SAHASRABUDHE:

14 Q. Okay. And you don't contest that when you pulled
15 up to the officer who gave you your ticket, that
16 you weren't wearing your seat belt?

17 A. Yes, I did. I explained it right here.

18 Q. In other words, you admitted at the hearing that
19 you were not wearing your seat belt?

20 MS. TEFFT: Object to form.

21 THE WITNESS: No. That's not what I admitted. I
22 took my seat belt off when I got -- it's not like
23 I drove up to a police officer standing on the

1 curb to check with a seat belt off. I drove to a
2 pile of cars, cops and cars and officers outside
3 of their cars, and nobody immediately was at my
4 window or came up to me to even observe if I was
5 driving without a seat belt. I took my seat belt
6 off to reach for my registration and my insurance
7 because that's what they wanted, that's what you
8 do at a checkpoint.

9 BY MR. SAHASRABUDHE:

10 Q. Okay. But you acknowledge that when you -- not
11 when you pulled up to the checkpoint, when you
12 pulled up to the officer who observed your car --

13 A. The officer walked up to me.

14 Q. Okay. When the officer walked up to you --

15 A. I didn't have a seat belt on.

16 Q. Okay. Did you ever seek to appeal any of the
17 tickets you were issued as a result of this
18 incident?

19 A. No.

20 Q. Not after this hearing?

21 A. No.

22 Q. Did you receive any other tickets after this
23 incident?

1 A. I don't know. I don't recall.

2 Q. Did you receive any other tickets at any
3 checkpoints after this incident?

4 A. No, not that I remember.

5 MR. SAHASRABUDHE: That's all I have.

6 MS. TEFFT: I don't think I have any follow-up.

7 MR. SAHASRABUDHE: All right.

8

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1 I HEREBY CERTIFY that I have read the
2 foregoing 83 pages and that, except as to those
3 changes set forth in the attached errata form(s),
4 they are a true and accurate transcript of the
5 testimony given by me in the above-entitled
6 action on December 15, 2022.

7
8
9
10 -----
11 JASMINE EVANS
12
13

14 Sworn to before me this

15
16 ----- day of ----- 2023.
17

18
19 -----
20 Notary Public.
21
22
23


1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

4
5 I, Nichole Winans, a Notary Public in and
6 for the State of New York, County of Erie, DO
7 HEREBY CERTIFY that the testimony of JASMINE
8 EVANS was taken down by me in a verbatim manner
9 by means of Machine Shorthand, on December 15,
10 2022. That the testimony was then reduced into
11 writing under my direction. That the testimony
12 was taken to be used in the above-entitled
13 action. That the said deponent, before
14 examination, was duly sworn by me to testify to
15 the truth, the whole truth and nothing but the
16 truth, relative to said action.

17 I further CERTIFY that the above-described
18 transcript constitutes a true and accurate and
19 complete transcript of the testimony.

20
21 
22 _____
23 NICHOLE WINANS,
Notary Public.

ERRATA FORM

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Jasmine Evans

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